

ABC, Inc.



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May 8, 1997

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Federal Communications Commission
Office of Secretary

HAND DELIVER

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: CS Docket No. 97-55

Dear Mr. Caton:

On behalf of ABC, Inc., transmitted herewith for filing with the Commission are an original and nine copies of its Reply Comments in CS Docket No. 97-55 (including five for distribution to the Commissioners).

If there are any questions in connection with the foregoing, please contact the undersigned.

Respectively submitted,

Dvora Wolff Rabino

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY 8 1997

Federal Communications Commission
Office of Secretary

In the Matter of

Commission Request for Comment
on Industry Proposal for Rating
Video Programming

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CS Docket No. 97-55

REPLY COMMENTS OF ABC, INC.

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Before the
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In the Matter of)	
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Commission Request for Comment)	CS Docket No. 97-55
on Video Proposal for Rating)	
Video Programming)	
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To: The Commission

REPLY COMMENTS OF ABC, INC.

ABC, Inc. ("ABC") submits herewith its Reply Comments in response to the Commission's request for comment on the industry proposal for rating video programming in the above-enumerated docket.¹ ABC, either directly or through subsidiaries, owns and operates the ABC Television Network and ten television broadcast stations. As such, it creates, distributes and broadcasts thousands of hours of original programming each year to which parental advisory rating symbols are now being applied.

¹ CS Docket No. 97-55, Report No. CS 97-6 (released February 7, 1997).

Introduction and Summary

Section 551(e) of the Telecommunications Act of 1996 (the "1996 Act") empowers the Commission to prescribe its own parental guideline rules and procedures "only if the Commission determines . . . that video programming distributors have not [within one year] established [and implemented] voluntary rules" that are "acceptable to the Commission" for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children. The statute, in other words, creates a presumption in favor of a voluntary system. It contemplates that so long as the industry devises and implements some "acceptable" system for informing parents of video programming that contains sexual, violent or other indecent material, the Commission should not intervene and substitute its own set of content rating rules. It directs the Commission to ask not whether the guidelines that the industry has voluntarily devised and implemented represent the only possible system or even the best possible system, but whether they represent an "acceptable" system.

In accordance with this statutory directive, the Commission asks in this Report for comment about whether the TV Parental Guidelines, the coding system that the industry voluntarily created and implemented by January 1 of this year, should be deemed "acceptable." We submit that the industry system, arrived at after a year of dedicated analysis and sustained coordination and effort, is "acceptable" by any reasonable measure. In addition, the rating system has been inaugurated and fully implemented within the prescribed timetable. Therefore, the TV Parental Guidelines should be approved.

ARGUMENT

I. The TV Parental Guidelines Provide Meaningful Information About the Content of Programs and Their Suitability for Children And Are Workable for the Industry and the Consumer.

The 1996 Act required the development of a system that would provide parents with information about the suitability of programming for children, particularly with reference to the “sexual, violent or other indecent material” that might appear in such programming. The TV Parental Guidelines are, at the very least, an “acceptable” means of accomplishing that objective. The TV Parental Guideline programming categories provide information about the suitability of programming based on a contextual assessment of the content of programs. Based on the nature and extent of the violence, sexual content and language used and the context in which they appear, the guidelines provide, in easily understandable and easy to use terms, information about the suitability of the programs for children of various ages. For example:

- TV-G: General Audience means the program “contains little or no violence, no strong language and little or no sexual dialogue or situations”;
- TV-PG: Parental Guidance Suggested means the program “may contain infrequent coarse language, limited violence, some suggestive sexual dialogue and situations”;
- TV-14: Parents Strongly Cautioned means the program “may contain sophisticated themes, sexual content, strong language and more intense violence”; and
- TV-MA²: Mature Audiences Only means the program “may contain mature themes, profane

² The designation “TV-M” was recently changed to “TV-MA” to avoid trademark concerns raised by the former designation.

language, graphic violence and explicit sexual content.”

In addition, the TV Parental Guidelines provide useful information about programming specifically designed for children. A “TV-Y” or “TV-Y7” icon on a program or in a program guide informs the parents that the program is not only likely to be free of material that many parents would find objectionable for younger children but is also specifically designed to appeal to children and to be appropriate for their social, emotional, cognitive and developmental level. The icon also makes clear for what ages of children the program is appropriate. When combined with the educational children’s television icon that broadcasters are now also applying to children’s shows specifically designed to educate and inform children, these labels provide parents with a great deal of specific, affirmative information to guide them in making viewing choices with their children.

The TV Parental Guidelines are also “acceptable” for another reason: they are workable for both the industry responsible for supplying the ratings and the consumer responsible for interpreting them and applying them to viewing choices at home. For a voluntary parental advisory system to work, it must be simple for the consumer to understand and to use. In addition, it must be embraced and consistently applied by the various components of the video programming and distribution industry that have to determine appropriate guidelines for the huge quantities of television programming that are distributed and aired each day. The TV Parental Guidelines meet both these criteria.

The TV Parental Guidelines have the virtue of being practical and easy for parents to understand and to use. First, the guideline designations are sufficiently brief and simple that they have a reasonable likelihood of being adopted and publicized by television guides and newspapers,

and thus made available to parents planning their viewing choices ahead of time.³ Second, the system that the industry devised mirrors the one that has been in effect for almost 30 years in the motion picture industry and is thus readily understandable to most parents and children. Third, considering that a significant proportion of VCR owners still cannot program their VCRs to record specific television programs, and many cannot even change their VCR clocks at daylight savings time, it is also important that the system created for use with the V-chip will require parents to set as few buttons as possible and to choose from as few settings as possible. The TV Parental Guidelines, with only one rating scale and six possible choices, is user-friendly even for the technologically challenged.

The TV Parental Guidelines also have the support of the entire industry. It was not easy to create an industry-wide television rating system that would accommodate the varied and sometimes competing interests and opinions of television networks and stations, cable networks and systems, motion picture studios, program producers', writers' and directors' guilds, and syndicated programming suppliers. The TV Parental Guidelines, however, were uniformly embraced by the people who make, distribute and air television programming. Achieving consensus on TV Parental Guidelines among so diverse a group was a major achievement. Since the 1996 Act contemplates a voluntary system and the industry has now settled on a plan that serves the purpose of informing the public about program content, the Commission should be loathe to disturb it in favor of a

³ Although since at least early January the ABC Television Network and owned stations have been sending rating information regularly to television program guides as soon as the information becomes available, many of the program guides have not yet elected to publish that information because of the clutter the few extra letters adds to their program grids. A more complicated system with longer series of numerical or alphabetical designations would be even harder to convince program listing services to adopt.

government-imposed initiative.

If the overriding goal of a ratings system is to provide useful information to parents -- and we believe it is -- that goal is best served by a rating system that is commonly understood and likely to be consistently applied. The TV Parental Guidelines system accomplishes that goal. The system employs four age suitability categories that have a long history of use and application (plus two categories specifically for children). While some have complained about perceived inconsistencies in application of even this well-understood system,⁴ burdening the system with new and unfamiliar additional factors would do nothing but lead to increased risk of inconsistent application with resultant increased risk of parental confusion. The overriding goal of the rating system would hardly be furthered by such a result.

In sum, the TV Parental Guidelines advise parents of the content of programs as a whole, in context, and their suitability for children of different ages. They are practical, user-friendly, have the support of the entire industry, and provide the best assurance of consistent application. Given these circumstances, the guidelines must be deemed to be "acceptable."

II. ABC Has Promptly, Thoroughly and Aggressively Implemented the New Parental Guidelines.

The Commission is directed by the 1996 Act to prescribe its own rating system only if the industry has not voluntarily adopted and implemented its own acceptable system within a year. We

⁴Such inconsistencies -- if they are inconsistencies -- should be largely resolved over time, as the TV Parental Guidelines Implementation Committee is establishing a new Oversight Monitoring Board to further ensure that the parental guidelines are applied accurately and consistently to television programming.

have explained above why we believe the system that the industry has devised is "acceptable." It has

also been implemented within the designated timetable. ABC has promptly, thoroughly and aggressively inaugurated and publicized the industry's voluntary new parental guideline system.

Working with the definitions created by the Implementation Committee, the company's Broadcast Standards and Practices Department has held training sessions with department members since late 1996. It has also held group screening sessions at which the fifteen staff members responsible for applying the parental guidelines analyze a group of programs together and decide jointly on a set of elements that help determine the rating a program should receive. A quality control process is used to ensure that the individual raters are applying the guidelines in a rational and consistent fashion.

Since January 1, 1997, all ABC television network programs (other than sports and news programs) have carried an appropriate parental guideline icon in the upper left hand corner of the screen. ABC's ten owned and operated television stations also began applying the icons to their locally produced and syndicated programming in January. In accordance with the industry guidelines, the icons have been applied as well to all on-air ABC announcements of thirty seconds or more that promote a single television movie, special or program.

The ABC Television Network and the ABC-owned television station also began circulating program rating information to program guide and listing services beginning in December and January. This information is made available to the listing services daily as it becomes available. In addition, while including the icons in advertising is not required by the TV Parental Guideline system, the ABC Television Network has applied the appropriate parental guideline icons when

feasible to print advertisements for its programs, including ads that appear in TV Guide.

ABC has made aggressive efforts to publicize the new system and to educate its audience about its use to supplement the extensive publicity campaign already launched by the TV Parental Guideline Implementation Committee, the industry group responsible for implementing the new system. ABC issued press releases on December 19, 1996 and January 21, 1997 to announce and explain the new procedures. It produced an original series of public announcements regarding the new guidelines as they apply to ABC programs and aired them 95 times across all day parts between December 25, 1996 and February 27 of this year. ABC also directed users of its public web site, abc.com, to the web site established by the TV Parental Guideline Implementation Committee (<http://www.tvguidelines.org>) for the contents of the TV Parental Guidelines Brochure. And it established and publicized a toll-free telephone number that viewers can call for further information on the TV Parental Guideline system and for labels of specific ABC programming.

In sum, ABC has been conscientious, thorough, prompt and aggressive in implementing and publicizing the new voluntary industry system. If our company's conduct is an indication of the industry as a whole -- and we believe it is -- there is little doubt that the industry has voluntarily implemented an acceptable system in a timely fashion as contemplated by the 1996 Act.

Conclusion

The 1996 Act charged the broadcast, cable and video programming industries to devise and implement, within a year, an "acceptable" system of advising parents of the degree of sexual, violent or indecent material in their programming. The industry has more than met this challenge. It has devised a content rating system that, in a simple and straightforward way, advises parents of the

content of a program as a whole, in context, while also giving parents additional information about programs specifically designed for children of different age groups. This system is acceptable and workable for the broad spectrum of television program suppliers and distributors that have to actually apply the ratings to programming. In addition, the system has a reasonable chance of being publicized by program listing services and being understood and used by parents with V-chip devices at home. The industry has implemented and publicized the TV Parental Guidelines swiftly, thoroughly and aggressively. The new Guidelines should now be approved and given a chance to do their job.

Respectfully submitted,

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